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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE M. JAMES LORENZ)

UNITED STATES OF AMERICA,	)	CASE NO. 08CR0719-L
)	
Plaintiff,	)	DATE: April 14, 2008
	)	TIME: 2:00 p.m.
v.)	
	)	NOTICE OF MOTIONS AND MOTIONS TO:
RIGOBERTO HERNANDEZ-RIVERA,)	
	)	1) DISMISS THE INDICTMENT;
Defendant.	)	2) STRIKE SURPLUSAGE FROM THE
	)	INDICTMENT;
	)	3) PRODUCE GRAND JURY
	)	TRANSCRIPTS;
	)	4) COMPEL DISCOVERY AND
	)	PRESERVE EVIDENCE; AND
	)	5) GRANT LEAVE TO FILE FURTHER
	)	MOTIONS

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; AND
ASSIGNED ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that, on April 14, 2008, at 2:00 p.m., or as soon thereafter as counsel may be heard, defendant Rigoberto Hernandez-Rivera, by and through his attorneys, Jennifer L. Coon and Federal Defenders of San Diego, Inc., will ask this Court to enter an order granting the following motions.

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MOTIONS

Defendant Rigoberto Hernandez-Rivera, by and through his attorneys, Jennifer L. Coon and Federal Defenders of San Diego, Inc., asks this Court pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other applicable statutes, case law, and local rules for an order to:

- (1) Dismiss the Indictment;
- (2) Strike Surplusage from the Indictment;
- (3) Produce Grand Jury Transcripts;
- (4) Compel Discovery and Preserve Evidence; and
- (5) Grant Leave to File Further Motions.

These motions are based upon the instant motions and notice of motions, the attached statement of facts and memorandum of points and authorities, the files and records in the above-captioned matter, and any and all other materials that may come to this Court's attention prior to or during the hearing of these motions.

Respectfully submitted,

DATED: April 1, 2008

/s/ Jennifer L. Coon
JENNIFER L. COON
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Hernandez-Rivera